

CUSTOMER NO.: 24498
Serial No.: 10/018,070
Office Action dated: March 17, 2009
Response dated: 06/11/09

PATENT
RCA 89,470
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Remarks/Arguments

Upon entry of the accompanying amendments, claims 21-34 will be pending in this application. Claims 21-32 are rejected in the Office Action dated March 17, 2009. Claims 21 and 27 are amended herein to more particularly point out and distinctly claim the subject matter regarded as the invention. Claims 33-34 are newly added herein.

Re: Claims 21-32

Claims 21-32 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application No. 2003/0208756 by Macrae, et al. (hereinafter, "Macrae"). Applicants respectfully traverse this rejection since Macrae fails to disclose or suggest each and every element of the claimed invention.

Applicants first note that independent claim 21, as amended herein, recites:

"A method for providing an advertisement dynamically along with an electronic program guide having information of programs in response to movement of a highlighted element in the electronic program guide, the highlighted element being movable within the electronic program guide in response to a user key entry made via a user control device of a video apparatus, the method comprising steps of:

'receiving a plurality of advertisements, each one of the received advertisements being associated with at least one program in the electronic program guide and including a respective descriptor for identifying a program;

'storing the received advertisements;

'monitoring the movement of the highlighted element in the electronic program guide;

'determining a next program in the electronic program guide to be reached by the highlighted element based on the monitoring step; and

'displaying one of the stored advertisements *representing an advertisement for the determined next program before the determined next program has been reached by the highlighted element.*' (emphasis added)

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As indicated above, amended independent claim 21 defines a method for providing an advertisement dynamically along with an electronic program guide having information of programs in response to movement of a highlighted element in the electronic program guide, wherein the highlighted element is movable within the electronic program guide in response to a user key entry made via a user control device of a video apparatus. The method comprises steps of: receiving a plurality of advertisements, each one of the received advertisements being associated with at least one program in the electronic program guide and including a respective descriptor for identifying a program; storing the received advertisements; monitoring the movement of the highlighted element in the electronic program guide; determining a next program in the electronic program guide to be reached by the highlighted element based on the monitoring step; and displaying one of the stored advertisements *representing an advertisement for the determined next program before the determined next program has been reached by the highlighted element.* Newly added independent claim 27 defines the foregoing subject matter in a similar manner, but is drafted in "video apparatus" format as opposed to "method" format. Support for the amendments herein to independent claims 21 and 27 may be found, for example, at page 6, lines 26-31 and page 7, lines 7-10 of Applicants' specification.

Macrae fails to disclose or suggest all of the elements of independent claims 21 and 27. For example, Macrae fails to disclose or suggest, *inter alia*, the step of "displaying one of the stored advertisements *representing an advertisement for the determined next program before the determined next program has been reached by the highlighted element*" (emphasis added).

On page 2 of the Office Action dated March 17, 2009, the Examiner responds to Applicants' previous response by stating:

"Applicants argue on page 6 of Remarks that Macrae fails to teach or suggest the step of 'displaying one of the stored advertisements associated with the determined next program before the determined next program has been reached by the highlighted element.

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'The Examiner respectfully disagrees with the applicants' arguments. In one embodiment, Macrae teaches the advertisements in the library are assigned to themes. For example, a particular advertisement for [sic, an] automobile might be assigned to a sport theme guide, such that when user selects a sports theme guide (FIG. 7) and scroll through the sports theme guide (FIG. 8), the automobile advertisement is selected for displaying before the user reaching the next determined program which is also associated with the automobile advertisement (Para 331-332)." (emphasis added)

As indicated above, the Examiner alleges that the example provided in paragraphs [0331]-[0332] of Macrae discloses the subject matter of independent claims 21 and 27, as previously presented.

In response, Applicants note that the cited example provided in paragraphs [0331]-[0332] of Macrae simply links certain advertisements to certain EPG themes. However, the cited example of Macrae fails to disclose or suggest, *inter alia*, the step of "displaying one of the stored advertisements representing an advertisement for the determined next program before the determined next program has been reached by the highlighted element" (emphasis added) as recited by amended independent claims 21 and 27. Accordingly, Applicants submit that independent claims 21 and 27, and their respective dependent claims, are deemed novel and non-obvious over Macrae, and withdrawal of the rejection is respectfully requested.

Re: Newly Added Claims 33-34

Claims 33-34 are newly added herein to further define independent claims 21 and 27, respectively, and are deemed allowable for at least the same reasons as those independent claims.

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Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks/arguments, this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled. No fee is believed due with regard to the filing of this response. However, if a fee is due, please charge the fee and/or credit any overpayment to Deposit Account No. 07-0832.

Respectfully submitted,
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